

Appleby Environment

14 Top Street
Appleby Magna
Swadlincote
DE12 7AH

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Planning Department
North West Leicestershire District Council
Council Offices,
Coalville,
Leicestershire,
LE67 3FJ.

Dear Jenny Davies

Appleby Environment is a formally constituted community group which has been active in Appleby for over 20 years. We are writing to object to the following planning applications:

- 13/00799/FULM: Residential development of 26 dwellings including affordable housing, formation of sustainable urban drainage system and public open space and demolition and replacement of boundary treatment at corner of Bowleys Lane and Church Street.
- 13/00797/FULM: Erection of 73 residential units including affordable housing and provision of sustainable urban drainage and on and off site public open space
- 13/00829/OUT: Erection of eight dwellings with associated garaging and access road (Outline - Access, layout and Scale included)
- 13/00697/OUTM: Residential development for up to 32 dwellings (Outline - access included). Land off Top St adjacent to Botts Lane.

Cumulative Impact – scale of housing development

These applications are, in total, for 139 houses (and we understand from a developer who held a meeting in Appleby at the end of last year that another 60 will be applied for shortly). We feel that rather than considering these applications individually you should start by making a strategic assessment of the scale of development which would be appropriate for Appleby to avoid erosion of the village's character and to ensure that the development is sustainable. Such an analysis was carried out as part of the District's Core Strategy and was subject to extensive consultation and evaluation. This categorised Appleby as a 'sustainable village' alongside another 16 villages in North West Leicestershire. Such locations were said to be appropriate for 'small scale housing development'. The March 2013 version of the core strategy assessed housing numbers for the plan period (up to 2031) for such locations based on those already built or given planning permission

from 2006 to 2012. This said that the 15+ Sustainable Villages needed to accommodate at least 80 more homes in total by 2031. This was based both on the total level of assessed housing need and the distribution of housing which the council assessed as appropriate between different types of location in the District.

We understand that this Core Strategy has been withdrawn, in part because the total housing needs for the District were not felt to be reliably assessed. However the Council has said that "the vast majority of the work we have already done to develop the strategy is still valid". The criticisms from the Inspector related to housing numbers and the lack of specific identified sites for development. *There was no challenge to the issue of distribution of housing.* The report to the Council meeting that agreed the withdrawal of the core strategy says that the withdrawal of the submission draft version of the plan does not obliterate the evidence base which was used to inform the Core Strategy and this evidence base can continue to inform a revised document. This evidence base includes Sustainability Appraisals of the core strategy and various options considered during the process. The Sustainability Appraisal Main Report (Feb 2013) specifically looks at the strategic distribution of housing and alternatives in Section 8. Para 8.11 reads:

"In the small rural and sustainable villages there is limited access to services and jobs and the majority of trips would be by car. High levels of rural development risk creating rural isolation as the price of driving increases. More development in these locations would reinforce an unsustainable pattern of development in the district."

An equal distribution of 80 houses across 15+ houses would result in 5 houses per sustainable village between March 2012 and 2031. In fact there have already been permissions granted for 6 houses in Appleby since March 2012 (3 in Church St; 1 in Rectory Lane which has already been built; 2 in Top Street) following a regular pattern of applications which can be expected to continue. Even accepting that development cannot be expected to be distributed exactly evenly between the sustainable villages and that the District's housing total might turn out to be an underestimate, it would still be against the sustainability appraisal to grant permission for more than a handful of additional houses.

Cumulative Impact – Environment assessment

We note the applications are not accompanied by statutory Environmental Statements in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and that the Council has determined that an EIA is not required for the individual applications.

As set out in Schedule 2 of the EIA Regulations (Descriptions of development and applicable thresholds and criteria for the purposes of the definition of "Schedule 2 development") the trigger for schemes of this nature possibly requiring an EIA is that they exceed 0.5 hectares (which is the case for all but the smallest of these applications). In addition to exceeding the 0.5ha threshold consideration should be given to the requirements of Schedule 3 of the Regulations which contains selection criteria for screening Schedule 2 development. If both the size criteria and the screening criteria are met then the applications should be accompanied by an EIA reported in an Environmental Statement.

We believe that the proposed developments meet many of the selection criteria for requiring a formal EIA not least because of the cumulative effects of the various proposed developments (air quality, landscape and visual, land use, noise, traffic, water (including possible effects on flooding and the Mease European Designated Special Area of Conservation) and ecology (for example the cumulative effect on Great Crested Newt populations).

In addition, it should be noted that the assessments themselves which accompany the individual applications identify significant environmental effects as a result of the respective schemes (e.g. on visual, ecological and cultural heritage receptors) irrespective of cumulative effects with other developments.

Therefore, given that three of the developments each exceed 0.5 hectare and that selection criteria in Schedule 3 are met (particularly in view of cumulative effects) and that individually the various schemes have significant environmental effects irrespective of their cumulative effects we contend that each application should be accompanied by an Environmental Statement which takes into account the cumulative effects of individual developments. We would like the Council to explain why they have determined that no formal Environmental Impact Assessments are required for the developments and provide evidence of their screening decisions.

There is an additional issue in that the failure to supply Environmental Statements (which would bring together all the various effects of the developments individually and in combination with other developments) means that a large amount of disparate documents have been produced. In order to understand the effects on receptors (both individually and in combination) requires a paper chase and we understand that there is case law relating to this. We note that in these cases the documents consist of a lot of 'cut and paste' material that even the developers don't seem to have read. For example para 2.3 of the bat survey submitted in relation to both applications 13/00799/FULM and 13/00797/FULM reads "Under the Wildlife and Countryside Act 1981 (as amended) it is *legal* (sic) to recklessly kill, injure or take any wild animal ...".

The River Mease is a European Designated Special Area of Conservation. Although the applications contain consideration of the effect on the SAC again none deal with the potential cumulative effects. Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects.

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives" Article 6(3)

The River Mease Impact Statement accompanying the application for 8 properties on Measham Road contains the following:

"In 2012 Severn Trent Water assessed the treatment works at Snarestone as having current headroom (capacity) for the equivalent of up to 22 dwellings; there have been no developments in the Snarestone area since 2012 that would affect this figure and therefore the proposed 8 dwellings would only take up 36% of that capacity."

As with all the other applications no consideration is given to other applications and as such the requirement of the Habitats Directive to assess effects in combination with other project has not been considered.

Sustainable Development

The National Planning Policy Framework states that there is a presumption in favour of sustainable development unless material considerations indicate otherwise. The first question this raises is are these developments sustainable within the meaning of policy?

As already noted North West Leicestershire District Council commissioned a consultant to carry out a sustainability assessment of their emergent core strategy. In so far as this relates to the distribution of housing between different types of location, there is no reason to think that this is not still a relevant assessment. We would draw attention to the following extracts from the Non technical Summary of the Sustainability Appraisal (March 2013 version).

"The core strategy sets growth targets for the plan area of 9,700 new homes to be delivered between 2006 and 2031" (para 5.5). "The housing figure is not intended to be a maximum allowance. However, to deliver the strategy in a sustainable way there needs to be reasonable certainty that there will not be a significant departure from the preferred distribution of this growth. If development happens in a way that departs from the strategy it could lead to unforeseen adverse impacts for sustainable development" (para 5.6). "To achieve the intended distribution of residential development in North West Leicestershire there needs to be a marked change in the locations where housing is being delivered. For instance the rural housing requirement is already largely taken up by existing commitments and completions. Therefore, tighter controls need to be put on development in these areas in the future to help deliver objectives related to reduce car dependence." (para 5.7). "The Core Strategy allows some growth in the rural areas. Past completion rates for housing show that the rural area has always played an important role in housing growth in the District. However, development in villages has led to a pattern of development that is unsustainable. Many new homes are occupied by people who travel outside of the villages for work and also may meet many of their other needs outside of the villages for work and also may meet many of their other needs outside these areas, not necessarily supporting rural services" (para 5.11).

As such it is clear that the District Council's own sustainability criteria show that housing development in the rural villages at all but the smallest scale threatens nationally required sustainability targets.

Sustainable Development issue 1 – increased car journeys in conflict with national low carbon strategy and NPPF

We have Appleby specific data to back up a pattern of village living dependent on car travel. Appleby Environment carried out a village-wide survey in 2010 where we had responses from a third of all households. The questionnaire asked about shopping for food and other goods. In response to a question asking where they did the majority of food shopping, 82% said that they did this in a large supermarket whereas 2% said that they used the village shop. The village shop is used and valued by many but is seen as appropriate for the main shop by only a tiny minority. 89% said that they did this major food shop at least weekly (with a third of these saying two to three times per week). 70% of all households said that they drove alone or with other family members to carry out this shop. A further 7% shopped online and had it delivered. Less than 10% shared a car and even fewer took public transport. For non-food shopping 80% said that they drove alone or with another member of their household. The most common location for food shopping was Ashby, followed by Tamworth and then Swadlincote (with no-one mentioning Measham for food), with Tamworth being the preferred location for non-food shopping (followed by Burton, Ashby and Birmingham). This pattern of travelling to the shops is required because there is only a very limited bus service to Ashby (and then only to the town centre, not to the out of town Tesco that most people mean by the major supermarket in Ashby) and no service at all to the other locations mentioned.

In 2012 and 2013 Leicestershire County Council consulted on reductions to the No 7 bus which is the only one which serves Appleby. This bus goes to Measham, Ashby and Nuneaton but the service which is currently at 90 min intervals in the daytime Mon – Sat is being reduced to a 4 hourly service (see http://www.leics.gov.uk/index/highways/passenger_transport/transportconsultation/service_7_consultation_2013.htm). *The service to Measham and Ashby will then be particularly badly affected by this change with the first bus service leaving Appleby at 10.30 a.m rather than 08.10 as currently.* This arrives at Measham at 10.37 and Ashby at 10.48. It turns round at Ashby and so, assuming that one wants more than 12 minutes there, the only return journey is the **last bus** back leaving Ashby at 15.00. The journeys to Measham are slightly better with 2 buses a day allowing one to spend approximately three-quarters of an hour there before returning!

The travel plans provided with these applications are seriously inadequate in their assessment of car travel that will be created by their proposed developments. Again they seem to have produced standardised reports without paying any attention to the specific features of this location or the use of any up to date material. Some specific examples:

26 Houses Church St / Bowley's Lane

- The developers' application indicates the intention to provide 63 parking spaces for 26 houses implying an average 2.4 cars per property. The Transport Statement says that the development is predicted to generate 23 new vehicle trips in the a.m. peak period and 24 in the p.m. peak period. There is no indication of how this prediction is compatible with travel to work census data quoted in the same document which says that 81% of journeys to work in the parish are undertaken by car. The developers do not cite employment data but the 2011 census data for the ward shows that 16-74 year old residents are economically active, including 55% of women.
- There is nothing about any other journeys that might be taken by residents.
- The developers claim they can reduce the proportion of travel to work journeys by car to 73% by the end of 5 years, in part by providing details of the bus service which they think will run every 2 hours (rather than every 4 hours which Leicestershire County Council anticipates).
- They seem to think the location of this development is in *Cambridgeshire* (see paras 5.1.1 and 5.1.4 of the Framework Residential Travel Plan).

73 Houses Measham Rd

- The developers' application indicates the intention to provide 166 parking spaces for 73 houses implying an average 2.3 cars per property. The travel plan predicts 64 vehicle trips in the a.m. peak and 66 in the p.m. peak. There is no indication of how this prediction is compatible with travel to work data quoted in the same document (81% travelling to work in a car).
- There is nothing about any other journeys that might be taken by residents.
- Para 4.2.1 of the Transport Statement says that cycling to work journeys of 5km are considered acceptable and this makes the whole of Measham accessible by a sustainable route. Presumably the writers failed to notice the gradient of the road from Appleby to 'Birds Hill' in Measham nor of the level of heavy traffic on the main road. Anyone local could have told them that very few people cycle up the Tamworth Rd (the direct route for those living on Measham Rd) and those that do tend to use the footpath ... which is used by no pedestrians. Perhaps this explains why the data taken from the census shows that only 1% of Appleby residents travel to work by bicycle.

- Para 4.3.1 says that the No 7 bus service "offers the opportunity for residents of the proposed development to commute sustainably to Ashby de la Zouch for work based journeys". With the new timetable this will no longer be true unless one can find a job which starts after 11am and finishes before 3pm.

8 houses Measham Rd

- Here the developers' application says they are intending to provide 23 car spaces (according to the application form) implying 2.9 cars per household (but rather less if you read their highway statement).
- The highway statement says that these 8 houses will generate an additional 64 traffic movements per day from the site. **This is far higher than the predicted ratios for the other 2 sites.** There is no referencing here so it is not possible to compare methodologies.
- This developer also refers to a 2 hourly bus service – but mentions that the increase in use of the service generated by the development is not likely to put it under any strain!
- They expect residents to **walk** to Measham for work (2 km up the route described above and including walking on Measham Rd with no pavement).

32 houses Top St / Botts Lane

- Here the developers are proposing 64 spaces for 32 houses.
- This is an outline application and gives no indication of traffic movements but again mentions the existing bus service (with no awareness that it is soon to be curtailed).

As can be seen the data provided on the vehicle trips created by these developers is inadequate. It provides evidence that large numbers of cars are expected to be owned by residents of these new houses. Where the developers do provide data it is only about peak time travel to work movements (and these seem implausible).

The developers seem to think that the only issue relating to car travel is congested roads. This is a complete misunderstanding of the issue of the impact of car use for sustainability which instead relates to the need to move to a low carbon economy by reducing unsustainable transport – particularly car use.

Sustainable Development issue 2 - contributing to protecting and enhancing our natural, built and historic environment as required by national policy in the NPPF

There is a further dimension to environmental sustainability included in the National Planning Policy Framework. This is that sustainable development should contribute "to protecting and enhancing our natural, built and historic environment" (para 7).

Three out of the four applications (all except 13/00797/FULM) are planned for 'sensitive areas' as identified in the existing NWLDC Local Plan. These 'sensitive areas' are defined as important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality (Local Plan para 4.1).

Policy E1 says:

Development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside.

All these proposed developments involve tearing out existing hedgerows to create 'visibility splays'.

The applications further contain statements such as "the development of this site would seem to be a logical 'rounding off' of the village" (26 houses Church St / Bowley's Lane), "The Measham Road site does not extend, northwards or westwards, the furthest extent of the village" (73 houses Measham Rd).

This shows no understanding of the "character of the settlement" as experienced by the residents of Appleby. Rather than seeing Appleby as a settlement that needs straight lines drawing around its existing settlement pattern the Village Design Statement includes the views of residents (endorsed by the District Council as Supplementary Planning Guidance) such as "The rural aspect of the village seen from the approach roads should be retained by avoiding solid blocks of development visible at the boundaries. Spaces should be left to retain views into and out of the village" (guideline 26), "Green and other underdeveloped spaces in the village, and the green corridors connecting them, both within the village and from the village to the surrounding countryside, should be conserved whenever possible" (guideline 32), "Leafy green lanes are a characteristic of Appleby and should be conserved" (guideline 58), "Undue widening of roads at junctions should be avoided" (guideline 61), "The natural features of the countryside around Appleby should be protected, in particular old woodland and ancient hedgerows. Hedges and trees should be conserved..." (guideline 23). These views have been endorsed by external assessors. These include the planning inspector who considered the last planning application for the site applied for by 13/00829/OUT. He said "the village is partly characterised by a number of relatively narrow lanes bounded by mature hedgerows. Also evident are several open spaces extending into the settlement which contribute towards its attractive rural character. In my opinion that character is worth of preservation and enhancement" (para 12, The Planning Inspectorate ref: T/APP/G2435/A/96/265258/P2). These views about the value of undeveloped fields in providing a general setting for the village were endorsed by the inspector who was responsible for deciding on objections to the NWLDC Local Plan in 1999. These will be quoted in detail below under material conditions since they throw light on the value of sites currently under consideration for housing.

The applications focus on areas which have been identified in the local plan as sensitive areas which contribute to the character of Appleby. They also plan to destroy features and characteristics which have been defined as significant for the characteristics of Appleby as defined by residents in the Village Design Statement and endorsed by the planning process as supplementary planning guidance.

Sustainable Development issue 3 - accessible local services that reflect the community's needs and support its health, social and cultural well-being as required by the National Policy in the NPPF

The applications currently under consideration exaggerate the level of services that are available in Appleby. These do include pubs, a village shop, primary school, and a recreation ground. However there are no significant employment opportunities (as confirmed by the census data that shows only 11% of residents walk or cycle to work), our survey shows that the shopping facilities are treated by the vast majority of residents as only for minor or top up purchases; the GP currently limited hours service is due to close (and the parent medical facility have said that however many new houses are built this decision will not be reversed); and the village offers minimal leisure facilities. There is a current limited bus service which does not meet the District Council's criteria for a sustainable village – once an hour 7am to 6pm – and is about to come even more restrictive. There is no bus service in the evenings, when adults and teenagers want to go out, and in any case doesn't go to the places they would want to go (e.g. cinemas in Tamworth and Swadlincote). In the next few months the bus service will effectively offer a *once a day service* to Ashby which is the nearest place with a reasonable range of shops and other services.

These circumstances are not just an issue for environmental sustainability through increased car use. They also threaten social sustainability through failing to provide accessible local services which reflect the needs of the local community and economic sustainability by failing to provide any access to employment opportunities. Even the developers' optimism does not stretch to suggesting that these houses will create any increase in jobs or services.

They do however distort the District Council's labelling of Appleby as a sustainable village to suggest that it means that any development within it has been judged as 'sustainable'. For example the application for 26 houses in Church St says "Appleby Magna is a sustainable village, having a good range of facilities and services. The sustainability of the village can only be seen as a merit of the proposed development and provides significant support for the NPPF's presumption in favour of sustainable development" (planning application supporting statement para 4.60). The application for 8 houses on Measham Rd says "Appleby Magna is one of the villages identified in the submission Core Strategy (as a sustainable village) ... (and) the proposal is consistent with the thrust of the NPPF which seeks to promote development in sustainable locations" (planning statement 4.4. to 4.6).

This is nonsense. The designation of 'Sustainable Village' is a label used by District Council to distinguish villages with *some services*. The planned core strategy policy CS7 states that in such locations "Small-scale housing and employment development will be permitted within the existing built-up area as defined by Limits to Development". Only one of these applications can plausibly be said to meet this criteria.

With the loss of the GP surgery Appleby will only have the minimum number of facilities required for a 'Sustainable Village'. As our recent survey of shopping patterns and the census data show, more residents will travel elsewhere by car for employment and other services rather than increase the 'sustainability' of Appleby and those without access to a car will find access to work and services very difficult.

Sustainable Development issue 4 - supply of housing required to meet the needs of present and future generations as required by NPPF

The developers make the further spurious argument that these houses are needed in order to provide housing for local people. Appleby is one of the few villages in the District that has had a rural exception site (completed in 2011 as an extension to Parkfield Crescent) and not subject to any local opposition. This was carried out as a result of a proper survey of local housing needs by the Leicestershire & Rutland Rural Housing Enabler (LRRHE).

Appleby also has affordable rented accommodation in the Alms Houses. Recent vacancies there have met with very limited interest.

In contrast to the way in which local housing need was assessed for the rural exception site, the developers' survey does not meet any criteria of objective or meaningful data collection. For example they report that 32 people said they knew someone who had moved out of the village because they couldn't find a suitable home. This provides no way of knowing whether all 32 knew the same one or two people or whether any house built in the village would have met their criteria of 'suitability'.

There is thus no credible evidence that there is significant unmet local need, and in contrast there is evidence that Appleby has taken a responsible position in relation to assessing and addressing local need as recently as 2 years ago. As such there is no reason for departing from the distribution of housing decided by NWLDC in their core strategy as subject to a sustainability appraisal.

Sustainable Development - Conclusions

- *The Sustainability Appraisal conducted as part of the NWLDC core strategy development clearly argues that the planned level of development in villages for the period up to 2031 already threatens its sustainability objectives.*
- *Appleby has already had permissions for 6 houses since this assessment was done (March 2012) and there are a further 15 years to go. It has also had a recent rural exception site.*
- *Furthermore NWLDC last month granted permission for more houses in Ravenstone than were intended in all the sustainable villages for the whole of the plan period. As such we cannot see any basis for considering any of these applications as fulfilling the sustainable development criteria.*

Other Material Considerations

The following material consideration are relevant to all applications

- You will have received a lot of information via individual objectors about flooding experienced in Appleby Magna close to all of these application sites and we will not repeat the detail here. In recent years all access roads to the village have become impassable at the same time on several occasions.
- There are also concerns relating to sewage both in specific locations and more generally in relation to capacity for the village overall. The application in support of the smallest of these proposed developments reviews provisions for sewage treatment and reports that Severn Trent Water say that the Snarestone Treatment works has capacity for another 22 dwellings. This is clearly far below the number of houses currently under consideration. However there are reasons for thinking even that figure is an overestimation. Vehicles pumping out sewage have been regularly seen in Measham Rd including continuously in the week of writing (starting 20th January 2014).
- As detailed above social facilities in the village exist but are not extensive. This includes the village school which is housed in a historic building. Its governing body is committed to staying at its current size to retain its current excellent local provision and because of constraints on their existing accommodation.
- Furthermore all these applications involve the destruction of hedgerows and open areas which would have an adverse impact on nature conservation.

Material considerations relating to individual applications:

- **13/00799/FULM:** Residential development of 26 dwellings Bowleys Lane and Church Street.

This field is well used by local people and there is a current valid application for Village Green status. No determination of this planning application should be made until this VG application has been determined. Nevertheless whatever the outcome of that application, the scale of support for this application (involving formal statements from around 100 residents) shows that this area is a valued open space close to the village and worthy of protection from development.

This site abuts, and partially includes the Appleby Magna Conservation Area. It also includes a Sensitive site as defined in the Local Plan. These are material planning considerations. The plans say that they are addressing this by turning the corner of Bowley's Lane and Church St into 'managed open space'. The plans show this to include a 'pond' which is not mentioned in the description. We understand this is part of the drainage system required by the development rather than an amenity and is being mis-represented. We draw your attention to an objection letter submitted separately

by Mr David Bligh who is a civil engineer with flood risk management experience and a resident living close to the site. He says:

The Flood Risk assessment document indicates that some 454m³ of flood storage will be required to keep run off levels to green field rates. Assuming this figure has been correctly derived I estimate that the surface area of the excavation for the attenuation pond, at current ground levels, will be around 800m², roughly 3 times the area shown on the master plan. To put the scale into context the area approximates to 1.4 times the area of The Crown car park opposite the site.

The maximum water level would be about 1m below current ground levels. For the majority of the time the storage reservoir will be empty revealing a depression some 3m deep. It is somewhat disingenuous for the developer to describe this feature as a pond. The safety issues of locating this feature adjacent to a designated public open space are obvious.

Mr Bligh makes a range of other points, based on his professional expertise, in relation to the likely impact of this site on flood and sewage management, which we would endorse.

The notion of 'managed open space' is also in conflict with the significance of the countryside as part of the village. The application includes removing a hedgerow and 'realigning boundaries' within the Conservation Area to which we strongly object.

The developers' assessment admits that the development will have an adverse effect on the setting of listed buildings adjacent to the site, particularly Church Farm. The heritage document submitted as part of the application makes a convoluted argument to try to claim this is not very important. They first claim that the effect is not as damaging as it would have been if they had decided to develop another part of the site! They then argue that while the development will have an effect on Church Farm "it will have a limited effect on its setting" (5.2.7). This is explained as saying its significance as a listed building is its architectural interest "and this will be unaffected". We believe that the setting of the Conservation Area and listed buildings on that side of Church St is very strongly related to it being at the edge of the built up area and linked to the countryside. This field is much higher than the neighbouring roads and the choice of two and a half storey houses means that they will be very visible as one comes towards the centre of the village from Church St or Bowley's Lane, and specifically from the recreation ground. This will have a significant effect on the sense of the conservation area.

Access to the development is proposed to be onto Bowley's Lane. In their Residential Travel Plan the developers say that this has a width of between 5 and 6 m. In additional information submitted more recently they admit that in places the width of this road is only just over 3m and that they will have to widen it in places. This village lane is currently very quiet, at least in part because it is not appropriate for significant traffic. As supported by the Village Design Statement Appleby residents oppose further 'urbanisation' of these valued village lanes.

Similarly the 'church hall parking' shown on the plans is unnecessary urbanisation and will not provide help for those who currently have problems accessing the Church Hall. The spaces are no closer than the Crown pub car park which has available spaces and the footpath shown would need lighting and to be made disabled access compatible to be of any use – both incompatible with the setting.

- **13/00797/FULM:** Erection of 73 residential units, Measham Rd

The scale of this development is completely inappropriate and out of line with any development which has previously been agreed in the village. The Village Design Statement says that "the rate of development should be slow enough to allow newcomers to integrate into the community" (guideline 2). The site is on the side of the village furthest from facilities such as the recreation ground and school.

As part of the last local plan enquiry in 1999 the field opposite to this one was considered for inclusion within the limits to development. This application was rejected by the inspector on the grounds that "it would not be well integrated with the existing development pattern of the settlement". The Village Design Statement says that "development should respect the boundaries and compact nature of the existing development lines" (guideline 2) and "the rural aspect of the village seen from the approach roads should be retained by avoiding solid blocks of development visible at the boundaries" (guideline 26). This field is higher than Measham road which would further contribute to its dominance in the landscape.

Measham Rd may appear on a map to be a road capable of taking significant levels of traffic. In practice there is a continuous row of parked cars initially on the Western side and further out of the village on the Eastern side of the road in front of the row of houses there. This effectively means that it functions as a single carriageway where it is necessary to pass in turn. As such it is not suitable for further significant traffic into or out of the village as would be generated by this proposed development.

- **13/00829/OUT:** Erection of eight dwellings (Outline) Measham Rd

This is a designated sensitive site where the relevant policy says: "Development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside".

It is not possible to judge whether the requirements of this policy are met on the basis of an outline application and *a full application should be required*. This view is reinforced by the fact that this site abuts the Conservation Area and a full application is required before a proper assessment can be made of its impact on the conservation area setting.

This site has been subject to consideration by Planning Inspectors both in relation to a planning appeal in 1997 and then by the Inspector hearing objections to the local plan in 1999. The earlier appeal was for 12 houses and refusal was upheld. The site was considered again during the local plan inquiry when there was an objection to the sensitive site designation. In upholding the sensitive site designation the inspector said "the elevated position of the objection site and the open land to its north, as well as the presence of a continuous strong hedgerow boundary along both of their western sides, tend to imply that this site continues the adjoining countryside into the village. To that extent, therefore, the Measham Rd aspect of the site in my opinion contributes to the current, semi-rural character of the area" (para 4.110).

In their application the developers' advance the view that there is no clear reason why this site is designated as a sensitive area. In fact there is a very clear explanation by the Inspector of why it should be designated as a sensitive area. Apart from its characteristics as explained in the quotation above, his argument related to the inclusion of the garden area at the corner of Stoney Lane and Measham Rd. He said "Although Stoney Lane is developed on its southern side, the dwellings there are set back and well screened by mature trees. Dense tree cover also bounds the garden of The Elms. Together with the sunken position of Stoney Lane, I see these features as contributing appreciably to the historic and semi-rural character and appearance of this corner of Appleby Magna, which because of its location well within the village should, in my opinion, be preserved" (4.111). Stoney Lane is now part of the Conservation Area. The Inspector went on to consider whether this area could be protected without the sensitive area given to the site which is the subject of the current application. He concluded "In the absence of an E1 designation, development there would accordingly be virtually bound to proceed. This would in my opinion lead to future pressure to develop the Elms' part of the objection site becoming very difficult to resist" (4.113). He then concluded "that, taken as a whole, this site constitutes an open area within the settlement which makes a sufficiently important contribution to the form and character of this part of Appleby Magna to justify its protection under Policy E1" (4.114).

- **13/00697/OUTM:** Residential development for up to 32 dwellings (Outline). Land off Top St adjacent to Botts Lane.

As above this is a designated Sensitive Site under the Local Plan facing an outline application. For the District Council to give proper weight to its own policies it is important that a *full application* is provided before this application is determined. In the case of this application the information provided is so minimal that it is not possible to make any detailed comments on the issues it is likely to raise.

As well as the successful application for a sensitive site designation during the last local plan inquiry there was additionally an application at this time for the field to be allocated as housing land. In rejecting the objection relating to its lack of housing designation the inspector said: "The character of the area of these south eastern outskirts of Appleby Magna is thus largely rural. Because of its openness and edge of village location, the objection site to my mind makes a substantial contribution to that character, which would of necessity be eroded if it were developed. Detracting from the rurality of the area would in this case be particularly harmful to its existing character and appearance, because of the prominent position the objection site occupies one of the main roads into the village: when Appleby Magna is approached via New Road, the site lies straight ahead" (7.377, 7.378). He further argued that given the "site's visually important location" it should be designated as a sensitive site.

Conclusions

On the basis of all of these arguments we would contest that these applications individually and cumulatively fail the test of sustainable development and have additional significant material planning considerations which also support their refusal.

Yours sincerely



Dr Sonia Liff
Chair, Appleby Environment